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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,707

12/27/2001

Teruaki Higashihara

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09/30/2004

EXAMINER

CHU, KIM KWOK

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575 MADISON AVENUE  
NEW YORK, NY 10022-2585

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/033,707	<b>Applicant(s)</b> HIGASHIHARA ET AL.	
	<b>Examiner</b> Kim-Kwok CHU	<b>Art Unit</b> 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 2,3,7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/20/03</u> . | 6) <input type="checkbox"/> Other: ____  |

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

2. Claims 1, 4, 5, 6, 9 and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Inui et al. (U.S. Patent 6,195,314).

Inui teaches an optical lens drive device having all the elements and means as recited in claims 1, 4 and 5. For example, Inui teaches the following:

(a) as in claim 1, an objective lens 7-1 through which laser light is transmitted onto a recording surface of a disk-shaped recording medium 101 to read and play information recorded on the disk-shaped recording medium (Figs. 1 and 14);

(b) as in claim 1, magnets 2 (Fig. 14);

(c) as in claim 1, a base 1 including a support shaft 6 that protrudes toward an optical axis direction of the objective lens 7-1; and at least a pair of magnet attachment parts 2 to which the magnets are attached (Fig. 19);

(d) as in claim 1, a movable unit 3 including a holder part that holds the objective lens 7-1 (Fig. 19);

(e) as in claim 1, the movable unit 3 including a supported part (bearing hole) by which the movable unit 8 is supported on the support shaft 6 rotatably about and slidably along the support shaft 6 (Figs. 2 and 19; supported part can be interpreted as the bearing hole of the lens holder 3);

(f) as in claim 1, the movable unit 3 including a focusing coil 5 to which a driving electric current is supplied during a focusing adjustment of the laser light (Fig. 14; column 8, lines 36 and 37);

(g) as in claim 1, the movable unit 3 including a tracking coil 4 to which a driving electric current is supplied during a tracking adjustment of the laser light (Fig. 14, column 8, lines 35 and 36);

(h) as in claim 1, the movable unit 3 including a magnetic member 12-1 to 12-4 formed in a linear shape for holding the movable unit 3 in a neutral position in a focusing direction and in a tracking direction by being attracted to the magnets 2 (Figs 14 and 28; column 9, lines 54-67);

(i) as in claim 4, the magnets 2 are single-pole magnetized (Fig. 14); and

(j) as in claim 5, the movable unit 3 having a pair of the magnetic members 12-1 and 12-3 arranged on opposite sides of the support shaft 6 (Fig. 14).

3. Claims 6, 9 and 10 have limitations similar to those treated in the above rejection, and are met by the reference as discussed above.

***Allowable Subject Matter***

4. Claims 11-15 are allowable over prior art.

5. Claims 2, 3, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claims 2 and 7, the prior art of record fails to teach or fairly suggest that the magnetic member includes:

- (a) a base part;
- (b) a pair of spring parts connected to two ends of the base part and being elastically brought into contact with two side surface parts of the movable units respectively;

(c) a pair of supported parts connected respectively to the pair of spring parts and supported respectively on two side surface parts of the movable unit; and

(d) a pair of magnet-facing parts connected respectively to the pair of supported parts and arranged so as to face the magnets.

As in claims 3 and 8, the prior art of record fails to teach or fairly suggest that the magnetic member is arranged so that the movable unit is subjected at all times to rotational torque in an orientation that tilts the movable unit toward one direction with respect to the support shaft.

As in claim 11, the prior art of record fails to teach or fairly suggest the following features:

(a) a magnetic member generating a repelling force when deformed and being attached to the movable unit by means of the repelling force; and

(b) the movable unit is held in a neutral position in the rotational direction if driving electric current is not supplied to the first coil and held in a neutral position in the axial direction if driving electric current is not supplied to the second coil by a force by which the magnetic member is attracted to the magnets.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made

obvious over, the prior art of record.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kanada (6,757,236) is pertinent because Kanada teaches an optical pickup having a lens holder supported by a shaft.

Ozawa et al. (6,418,094) is pertinent because Ozawa teaches an optical pickup having a lens holder supported by a shaft.

Ikegame et al. (6,356,518) is pertinent because Ikegame teaches an optical pickup having a lens holder supported by a shaft.

Mochizuki et al. (6,172,958) is pertinent because Mochizuki teaches an optical pickup having a lens holder supported by a shaft.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.  
20231 Or faxed to:

(703) 872-9306 (for formal communications intended for  
entry. Or:

(703) 746-6909, (for informal or draft communications,  
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park  
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor  
(Receptionist).

Any inquiry of a general nature or relating to the status  
of this application should be directed to the Group  
receptionist whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Kim CHU  
whose telephone number is (703) 305-3032 between 9:30 am to  
6:00 pm, Monday to Friday.

*kc 9/20/04*  
Kim-Kwok CHU  
Examiner AU2653  
September 20, 2004

(703) 305-3032

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